

Any. Docket No. 0 60718.0001

REMARKS

The application currently stands restricted to one of the following inventions under 35 U.S.C. §121:

- I. Group I, Claim(s) 1-13 and 20-28, drawn to a device for producing objects.
- II. Group II, Claim(s) 14-16 and 29-30, drawn to a mold for producing objects.
- III. Group III, Claim(s) 17-19 and 31, drawn to a method for producing objects.

Applicant elects claims 1 through 19 without traverse. Hence, claims 1 through 19 remain in the application with claim 1, 14, and 17, being in independent form. Claims 20 through 31 have been withdrawn. The Examiner further asserted that technical feature common to Groups I-III is known in the prior art and cannot be a special technical feature under PCT Rule 13.2. The examiner cited German Patent No. DE 10136391 to Graen (the *Graen reference*) to show that the aforementioned three Groups do not have a single inventive concept. The examiner further alluded that the *Graen reference* teaches a housing device 1, a mold 3, and a movable object 2.

Applicant respectively disagrees with the Examiner. As amended, the subject matter of claim 1, 14, and 17 is patentably distinct over the device taught by the *Graen reference*. As amended, these claims relate to an elastic mold part (28) in which a paste-like material is hardened to form an object. The elastic mold part is arranged in a dimensionally stable housing element (12). In order to be able to remove the object from the elastic mold, the elastic mold is elastically stretched. According to the invention, this is achieved by enlarging a space of the housing element. This enlarging process is made by moving a moveable, dimensionally stable part of the housing element. These features are part the amended independent claims 1, 14 and 17. This low pressure causes a stretching of the elastic mold in order to be able to remove the object.

Atty. Docket No.0 60718.0001

All amendments are supported by the disclosure as originally filed by Applicant. In particular, a basis for these amendments can be found in the second paragraph of the description of the figures as set forth below:

"To move the movable release element 22, 26 downwards against the force of the spring 24, an actuating stud 36 is provided, running transversely to the axis, which can be actuated downwards into a release position of the upper cone by an actuation organ (not shown) of a lipstick filling machine, by means of which the elastic mold part 28 is stretched due to the low pressure generated when the inner cone is moved downwards, which in turn allows to remove the hardened lipstick material in the mold part 28 from the mold 10 by means of a small basket upwardly through the aperture 14".

As amended, all three independent claims 1, 14, 17 include the novel housing that defined a housing space that can be enlarged by moving a moveable, dimensionally stable part of the housing element to *generate a low pressure* in the housing space to *stretch the elastic mold part* for removing the object. The *Graen reference* fails to teach or suggest, expressly or impliedly, a production line, a device, and a method for producing objects, such as lipsticks. In particular, the *Graen reference* fails to teach or suggest, expressly or impliedly, a housing that has a housing space that can be enlarged by moving a moveable, dimensionally stable part of the housing element to generate a low pressure in the housing space to stretch the elastic mold part for removing the object.

Thus, Applicant believes that the independent claims 1, 14, 17 with respective dependent claims 2 through 13, 15 through 16, and 18 through 19 are placed in condition for allowance. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Preliminary Amendment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Atty. Docket No. 060718.0001

Respectfully Submitted,



Michael G. Shariff, Registration No. 58,223
Howard & Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0400

Dated: March 4, 2009